REMARKS

This Amendment A is responsive to the first Office Action dated October 15, 2004. Entry of the amendments herein and reconsideration and allowance of claims 1-13 as set forth herein is respectfully requested.

The Status of the Claims

Claims 1-13 stand rejected under 35 U.S.C. § 112, 2nd paragraph, for certain informalities.

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nankervis et al., U.S. Patent No. 6,408,600 (hereinafter "Nankervis").

Claims 1, 3, and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kovacs et al., U.S. Patent No. 5,433,063 (hereinafter "Kovacs").

Claims 2 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kovacs or Nankervis.

Claims 6-10, 12, and 13 are indicated as containing allowable subject matter.

Applicants note that claims 10, 12, and 13 are indicated as unpatentable over Kovacs or Nankervis, but are also are indicated as containing allowable subject matter. It is requested that the forthcoming Office Action clarify the status of these claims.

The informalities cited under 35 U.S.C. § 112, 2nd paragraph have been addressed

The phrase "advancing said sealing devices with respective independent laws of motion" objected to at page 2 of the Office Action has been replaced by the phrase "driving and moving each sealing device independently of the other sealing devices."

Applicants respectfully submit that the amended language satisfies the requirements of 35 U.S.C. § 112, 2nd paragraph, and therefore respectfully request that the 35 U.S.C. § 112, 2nd paragraph rejections be withdrawn.

As an additional formality, all claims have been amended to remove the parenthetical reference characters. It is respectfully submitted that the removal of these reference characters does not affect the scope of the claims. See MPEP § 608.01(m).

Claims 1-13 patentably distinguish over the references

Amended **Claim 1** relates to a packaging machine for wrapping products in respective sheets of heat-seal wrapping material.

The machine includes wrapping means for forming a tubular wrapping from a continuous web of heat-seal material and for feeding products successively into the tubular wrapping such that each product is located between two free tubular portions of the tubular wrapping. At least two pairs of sealing devices are movable along a sealing path to feed a respective product along the sealing path at a variable traveling speed and to perform a respective sealing operation on a respective free tubular portion. Each sealing device is driven and moved independently of the other sealing devices.

None of the cited references shows or suggests driving and moving each sealing device independently of the other sealing devices, each sealing device being defined in Claim 1 as the device which in combination with another sealing device defines a pair of sealing devices which feed a product along the sealing path and perform a sealing operation on a free tubular portion of the tubular wrapping.

Nankervis relates to a packaging machine for wrapping products in respective sheets of heat-seal wrapping material, including a wrapping means for forming a tubular wrapping of heat-seal material and for feeding products successively into the tubular wrapping such that each product is located between two free tubular portions of the tubular wrapping. The Nankervis machine includes six pairs of sealing devices (see sealing devices 27 and 28). The sealing devices of each pair of sealing devices are movable along a sealing path to feed a respective product along the sealing path at a variable traveling speed and to perform a respective sealing operation on a respective free tubular portion.

However, Nankervis does <u>not</u> disclose driving and moving each sealing device independently of the other sealing devices, as called for in Claim 1.

Rather, Nankervis discloses three pairs of top sealing devices ($27A_1$ and $27A_2$, $27B_1$ and $27B_2$, $27C_1$ and $27C_2$) and three pairs of bottom sealing devices ($28A_1$ and $28A_2$, $28B_1$ and $28B_2$, $28C_1$ and $28C_2$). Corresponding sealing devices 27A and 28A,

27B and 28B, 27C and 28C are moved by respective servo motors 112A, 112B, and 112C. See Nankervis col. 7 line 65 through col. 8 line 27.

Thus, Nankervis moves four sealing devices with the same servo motor and in a coordinated manner. See Nankervis col. 8, lines 21-27. In contrast, Claim 1 calls for each sealing device to be driven and moved independently of the other sealing devices.

Kovacs relates to a packaging machine for wrapping products in respective sheets of heat-seal wrapping material, including wrapping means for forming a tubular wrapping of heat-seal material and for feeding products successively into the tubular wrapping such that each product is located between two free tubular portions of the tubular wrapping. The Kovacs machine includes six pairs of sealing devices (see sealing devices 134 and 136). The sealing devices of each pair of sealing devices are movable along a sealing path to feed a respective product along the sealing path at a variable traveling speed and to perform a respective sealing operation on a respective free tubular portion.

However, Kovacs does not disclose driving and moving each sealing device independently of the other sealing devices, as called for in Claim 1.

Rather, Kovacs discloses three pairs of top sealing devices (134A1 and 134A2, 134B1 and 134B2, 134C1 and 134C2) and three pairs of bottom sealing devices (136A1 and 136A2, 136B1 and 136B2, 136C1 and 136C2). Corresponding sealing devices 134A and 136A, 134B and 136B, 134C and 136C are moved by respective servo motors 96A, 96B, and 96C. See Kovacs col. 8, lines 6-58.

Thus, Kovacs moves four sealing devices with the same servo motor and in a coordinated manner. See Kovacs col. 8 lines 6-13. In contrast, Claim 1 calls for each sealing device to be driven and moved independently of the other sealing devices.

As neither Nankervis nor Kovacs discloses or fairly suggests driving and moving each sealing device independently of the other sealing devices, as called for in Claim 1, it is respectfully submitted that Claim 1 also patentably distinguishes over the combination of Nankervis and Kovacs.

Packaging machines in accordance with Claim 1 have numerous advantages over the machines of Nankervis and Kovacs. For example, a machine in accordance with Claim 1 is readily equipped with a number of sealing devices selected according to the

dimensions and the characteristics of the product to be packaged. Being independently driven with respect to the other sealing devices, each sealing device can be independently added to or removed from the machine. In contrast, the machines of Nankervis and Kovacs are not so easily updated, because changing the number of sealing devices employed in these machines may involve assembling or disassembling a large number of sealing devices, such as all the sealing devices driven by the same actuating device.

Moreover, if a sealing device is damaged, it can be more readily repaired when it is independent of the other sealing devices. Still further, if a soft product, such as a roll of paper, is crushed between sealing devices, the user can rapidly disengage the involved sealing devices from the crushed product and can quickly restart the packaging machine. The foregoing list of advantages is not exhaustive, but illustrates that packaging machines in accordance with Claim 1 are a substantial improvement over prior machines such as those disclosed in Nankervis and Kovacs.

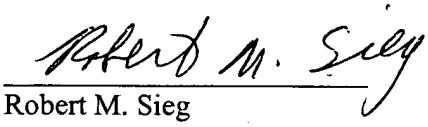
Accordingly, it is respectfully submitted that claims 1-13 as set forth herein patentably distinguish over the references of record. Applicants therefore ask for allowance of claims 1-13 as set forth herein.

CONCLUSION

Based on the foregoing, it is submitted that claims 1-13 as set forth herein patentably distinguish over the references of record. Accordingly, reconsideration and allowance of claims 1-13 as set forth herein is earnestly requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



Robert M. Sieg
Reg. No. 54,446
1100 Superior Avenue
7th Floor
Cleveland, OH 44114-2579